

REMARKS/ARGUMENTS

The Office Action mailed January 13, 2005 has been reviewed and carefully considered. Claims 1, 9, 10, 11, 13, 21, 22, 23, and 31 have been amended. Claims 1-34 are pending in this application, with claims 1, 9, 13, 21, 25, 28, and 31 being the only independent claim. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed January 13, 2005, claims 10-12 and 22-30 stand rejected under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential steps and essential elements. The Examiner's rejection refers to MPEP §2172.01. This section states that a rejection under 35 U.S.C. §112, second paragraph, is proper when a claim fails to interrelate essential elements of the invention as defined by applicant in the invention (emphasis added).

Claims 10 and 22 currently recite that the readout path is arranged to be disabled by a first irrevocable condition and re-enabled by a second irrevocable condition. The Examiner's rejection alleges that the omitted steps and structural elements are: a first irrevocable condition comprising a programming ON a first certain bit of a one-time-programmable ROM, wherein the negation of the ON (i.e., OFF) first certain bit signal applied to an OR gate transmits an OFF signal to a AND gate; a second irrevocable condition comprising a programming ON a second certain bit of a one-time-programmable ROM, wherein the ON second certain bit signal applied to the OR gate transmits an ON signal to the AND gate, wherein the request for key is only enables when the input from the OR gate to the AND gate is an ON signal.

Since the claims already recite the first and second irrevocable conditions, the Examiner rejection fails to allege that the claims fail to interrelate essential elements of the invention (which is the reason for rejecting a claim under 35 U.S.C. §112, second paragraph, under

MPEP §2172.01). Instead, the above steps and elements that the Examiner alleges to be required to disable the readout path are recitations of a specific embodiment of the first and second irrevocable conditions.

Regarding what is essential, MPEP §2164.08(c) states "Limiting an applicant to the preferred materials in the absence of limiting prior art would not serve the constitutional purpose of promoting the progress in the useful arts. Therefore, an enablement rejection based on the grounds that a disclosed critical limitation is missing from a claim should be made only when the language of the specification makes it clear that the limitation is critical for the invention to function as intended. Broad language in the disclosure, including the abstract, omitting an allegedly critical feature, tends to rebut the argument of criticality".

It is respectfully submitted that the recitations which the Examiner alleges are essential steps and structure are not critical for the invention to function because they are merely the preferred embodiment. In view of the above remarks, the rejection of claims 10-12 and 22-30 under 35 U.S.C. §112, second paragraph, should be withdrawn.

Claims 1, 2, 13, 14, 31, and 32 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,912,969 (Sasamoto).

Claims 3, 4, 6-8. 15. 16. 18-20, 33, and 34 stand rejected under 35 U.S.C. §103 as unpatentable over Sasamoto.

Claims 5 and 17 stand rejected under 35 U.S.C. §103 as unpatentable over Sasamoto in view of U.S. Patent No. 6,212,635 (Reardon).

Claims 25 and 28 were found to contain allowable subject matter and would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph. It is

respectfully submitted that these rejections are overcome as described above. Accordingly, claims 25 and 28 should now be allowed.

Claims 10-12, 22-24, 26, 27, 29, and 30 were found to contain allowable subject matter and would be allowable if rewritten in independent form and to overcome the rejections under 35 U.S.C. §112, second paragraph. Claims 9 and 21 were found to contain allowable subject matter and would be allowable if rewritten in independent form. In view of the allowable subject matter, independent claim 1 is rewritten to incorporate limitations of claim 10 and independent claim 13 is rewritten to incorporate limitations of claim 22. Accordingly, independent claims 1 and 13 should now be allowable as incorporating allowable subject matter. The rejections under 35 U.S.C. §112, second paragraph, are overcome as described above.

Claims 9 and 21 are also rewritten to incorporate the limitations of their respective base claims and intervening claims. Accordingly, independent claims 9 and 21 should be allowable as containing allowable subject matter.

Independent claim 31 is also amended to incorporate limitations of claim 10 which were found to be allowable. Accordingly, independent claim 31 should also be allowable as incorporated allowable subject matter.

Dependent claims 2-8, 10-12, 14-20, 22-24, 26-27, 29-30, and 32-34, each being dependent on one of independent claims 1, 13, 25, 28, and 31, are deemed allowable for at least the same reasons expressed above with respect to independent claims 1, 13, 25, 28, and 31.

Enclosed is a check in the amount \$400.00 for government fees for two new independent claims in excess of three.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no additional fees or charges are required at this time in connection with the present application. However, if any additional fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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